

penalty ordered in their respect, allowing them new ground for new trials, and the like, is something that ought to trouble us. We do not need judges with a tremendous bent toward criminal activity or with a bent toward excusing or providing second chances or opportunities for those who have been accused in those situations.

Missouri v. Kinder is another case where he was the sole dissenter, a case of murder and assault, murder with a lead pipe, the defendant was seen leaving the scene of the crime with the lead pipe and DNA evidence confirming the presence of the defendant with the person murdered.

The judge in that case wrote a dissent saying that the case was contaminated by a racial bias of the trial judge because the trial judge had indicated that he opposed affirmative action and had switched parties based on that.

Another case, Missouri v. Damask, a drug checkpoint case. The sole dissent in the case was from Judge White who would have expanded substantially the rights of defendants to object to searches and seizures.

I believe that law enforcement officials had an appropriate, valid, reasonable concern. That concern was appropriately recognized and reflected in the vote of the Senate. Not only Missouri needs judges, but the entire country needs judges whose law enforcement experience is such that it sends a signal that they are reliable and will support appropriate law enforcement.

I am grateful to have had this opportunity. No time was expected for debate on this issue today, and as an individual who was involved in this matter, I am pleased to have had this opportunity. I thank the Senate. I thank the Senator from Arizona for helping make this time available to me.

I yield the floor.

#### AIR TRANSPORTATION IMPROVEMENT ACT—Continued

The PRESIDING OFFICER. Under the previous order, the Senator from Illinois is recognized.

AMENDMENT NO. 2264 TO AMENDMENT NO. 1892

(Purpose: To replace the slot provisions relating to Chicago O'Hare International Airport)

Mr. FITZGERALD. Mr. President, I rise on behalf of myself and my colleague from Illinois, Senator DURBIN, to propose an amendment to the amendment proposed by the Presiding Officer himself, Senator GORTON, and Senator ROCKEFELLER. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. FITZGERALD], for himself and Mr. DURBIN, proposes an amendment numbered 2264 to amendment No. 1892.

The amendment is as follows:

On page 5, beginning with "apply—" in line 15, strike through line 19 and insert "apply after December 31, 2006, at LaGuardia Air-

port or John F. Kennedy International Airport."

On page 8, beginning with line 7, strike through line 17 on page 12 and insert the following:

(1) IN GENERAL.—Subchapter I of chapter 417, as amended by subsection (d), is amended by inserting after section 41717 the following:

#### "§41718. Special Rules for Chicago O'Hare International Airport

"(a) IN GENERAL.—The Secretary of Transportation shall grant 30 slot exemptions over a 3-year period beginning on the date of enactment of the Transportation Improvement Act at Chicago O'Hare International Airport.

"(b) EQUIPMENT AND SERVICE REQUIREMENTS.—

"(1) STATE 3 AIRCRAFT REQUIRED.—An exemption may not be granted under this section with respect to any aircraft that is not a Stage 3 aircraft (as defined by the Secretary).

"(2) SERVICE PROVIDED.—Of the exemptions granted under subsection (a)—

"(A) 18 shall be used only for service to underserved markets, of which no fewer than 6 shall be designated as commuter slot exemptions; and

"(B) 12 shall be air carrier slot exemptions.

"(c) PROCEDURAL REQUIREMENTS.—Before granting exemptions under subsection (a), the Secretary shall—

"(1) conduct an environmental review, taking noise into account, and determine that the granting of the exemptions will not cause a significant increase in noise;

"(2) determine whether capacity is available and can be used safely and, if the Secretary so determines then so certify;

"(3) give 30 days notice to the public through publication in the Federal Register of the Secretary's intent to grant the exemptions; and

"(4) consult with appropriate officers of the State and local government on any related noise and environmental issues.

"(d) UNDERSERVED MARKET DEFINED.—In this section, the term 'service to underserved markets' means passenger air transportation service to an airport that is a nonhub airport or a small hub airport (as defined in paragraphs (4) and (5), respectively, of section 41731(a))."

(2) 3-year report.—The Secretary shall study and submit a report 3 years after the first exemption granted under section 41718(a) of title 49, United States Code, is first used on the impact of the additional slots on the safety, environment, noise, access to underserved markets, and competition at Chicago O'Hare International Airport.

On page 19, strike lines 10 and 11.

On page 19, line 12, strike "(B)" and insert "(A)".

On page 19, line 13, strike "(C)" and insert "(B)".

On page 19, line 15, strike "(D)" and insert "(C)".

Mr. BYRD. Mr. President, will the distinguished Senator yield without losing his right to the floor?

Mr. FITZGERALD. Yes, I will yield.

Mr. BYRD. I ask unanimous consent that following the Senator's statement, I be recognized to speak for not to exceed 15 minutes on another matter.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BYRD. I thank the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. FITZGERALD. Mr. President, this amendment would exempt O'Hare International Airport from any lifting of the high density rule. I understand this amendment has been accepted on both sides. I ask unanimous consent the amendment be agreed to.

I thank the Presiding Officer himself for his efforts to work with me, and also the distinguished Commerce Committee Chairman, Senator MCCAIN from Arizona, and the ranking Democratic member, Senator ROCKEFELLER. Of course, I thank the good auspices of our majority leader who helped work out this agreement. I appreciate the time and consideration of all on a very difficult matter.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment (No. 2264) was agreed to.

Mr. FITZGERALD. I thank the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia is recognized for not to exceed 15 minutes.

Mr. BYRD. Mr. President, I thank the Chair.

#### IN DEFENSE OF CHURCHES

Mr. BYRD. Mr. President, recent comments by a political figure have unfairly and, I think, unjustly castigated American churches and millions of American church-goers as "... a sham and a crutch for weak-minded people who need strength in numbers. [meaning organized religion] tells people to go out and stick their noses in other people's business." Now these comments are being defended as the kind of outspoken honesty that people really seek in a politician. While I am totally in favor of greater candor from politicians, particularly in these days of poll-driven and consultant-drafted mealy-mouthed pap masquerading as "vision," I am emphatically not in favor of rudeness. There is far too much rude and divisive talk in this Nation these days, and it only exacerbates the kind of climate that encourages acts of violence against anyone who is different or any organization that is not mainstream—or maybe even if it is mainstream, as churches are still mainstream, at least in my part of the world. We cannot and should not let this kind of meanness be excused in the name of honesty and candor.

I do not question anyone's right to voice his opinion, whether I agree with it or not, but I also do not believe it is necessary to demean or belittle or denigrate anyone in the process of voicing an opinion. I am pleased to see that I am not alone in my outrage, but that many people have expressed similar feelings. I hope that we can all learn a lesson from this episode.

All of us ask for guidance from those we trust whenever we are faced with difficult problems. We ask our parents, or our wives, we ask our husbands, or our friends. So what is wrong with seeking the advice of someone who has